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PUBLIC HEARING
GOLDEN VALLEY MANAGEMENT FRAMEWORK PLAN
ANALYSIS OF ORAL AND WRITTEN COMMENTS

MARCH 1980



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AND FINAL DECISION
CONCERNING THE GOLDEN VALLEY COUNTY
MANAGEMENT FRAMEWORK PLAN

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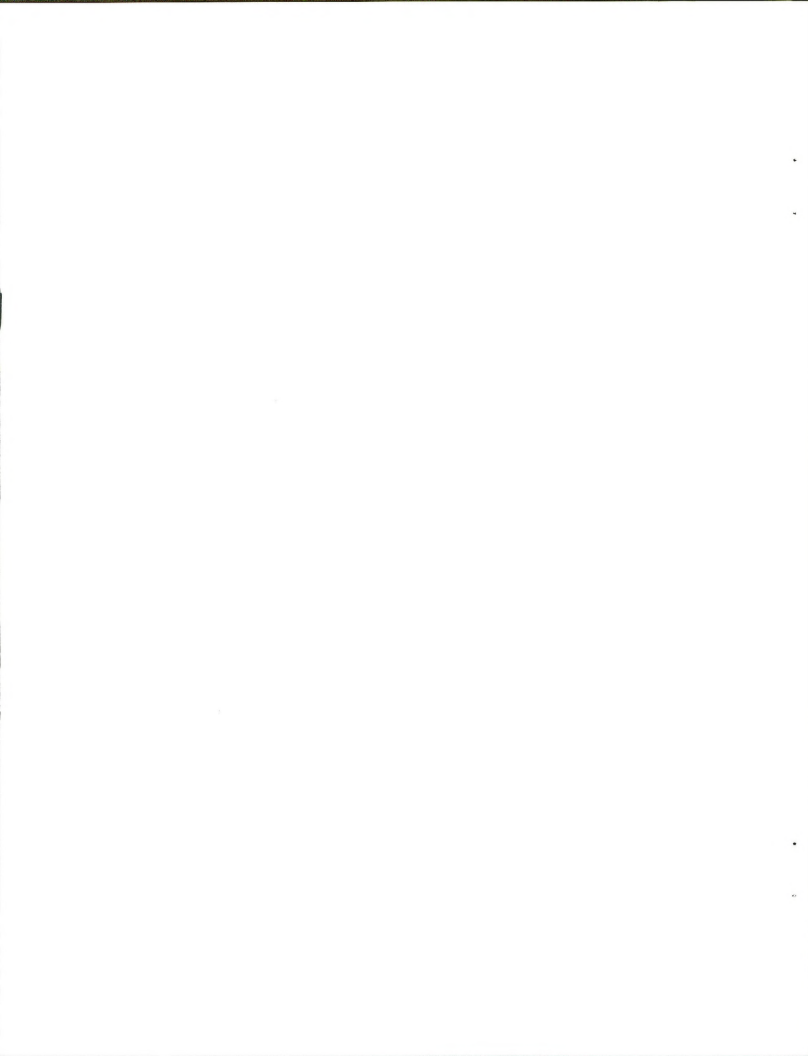
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INTRODUCTION

The Golden Valley County Management Framework Plan is the Bureau of Land Management's (BLM) land use plan for resources under its jurisdiction in Golden Valley County, North Dakota. This plan, also known as the "Golden Valley MFP," was approved by the BLM Dickinson District Manager on September 4, 1979, and by the Montana State Director on September 6, 1979.

Approximately 250 copies of the Golden Valley MFP Summary were distributed in October of 1979, along with an invitation to offer written or oral testimony at a public hearing held November 15, 1979, at the Dawson County Courthouse in Glendive, Montana. The purpose of the hearing was to take testimony from those persons who felt that they would be adversely affected by the decisions contained in the MFP. At the same hearing, testimony was also given on the Redwater MFP, which had been prepared by the Miles City District of the BLM for certain lands in Montana.

As stated by the hearing officer, the Dickinson and Miles City BLM District Offices were to analyze the oral and written comments on the Golden Valley and Redwater MFP's, prepare written records of the analyses, and make the documents available to the hearing attendees and other interested persons. This analysis covers the comments directed at the Golden Valley MFP and includes the Dickinson District's responses to those comments. Copies of the written comments and an excerpt from the transcript are attached. The Miles City District Office has prepared a similar analysis/response document to cover the written and oral comments directed at the Redwater MFP.

Some of the comments concerning the Golden Valley MFP suggested a misunderstanding of the BLM's planning process, the federal coal management program, and the interrelationship of the two. The following summary, which can serve as a reference for the responses, should clear up this misunderstanding. For further information, see "Federal Coal Management Program" (attached).

THE BLM PLANNING PROCESS AND THE FEDERAL COAL MANAGEMENT PROGRAM

The BLM has responsibility for the management of millions of acres of public lands and resources. To facilitate management, the BLM uses a land use planning process which results in a management framework plan. This plan provides the framework, or guidelines, for management of the BLM administered lands and resources for a specified geographic area.

New BLM planning regulations went into effect on September 6, 1979. These regulations slightly changed the previous planning process; however,

the basic approach and intent of the process remained the same. The new regulations have replaced the term "management framework plan" with the term "resource management plan" (RMP). It is important to note that the regulations allow for a transition period for conversion from the MFP process to the RMP process. Ongoing MFP's can be completed under the old process, but the plan must be reviewed to determine which of the new regulations can be used in the completion of those plans, given time and budgetary constraints imposed by federal budgets and court mandated schedules.

Because the Golden Valley MFP was completed on September 6, 1979, it was not covered by the new regulations. However, many of the portions of the new regulations were incorporated in the plan, as it was felt that these components would improve it.

It is important to note that the BLM planning system is designed only to plan for the management of the federally owned resources under BLM jurisdiction. The BLM has no authority (nor should it have) to plan for private resources. It does have the responsibility, however, to assess the impacts of proposed BLM actions on non-BLM resources.

Special steps must be taken during planning where strip mining of federal coal is involved. The federal coal management program was designed to do this. There are two phases to BLM coal-related planning: the first phase is associated with the MFP (or, in the future, RMP) process; and the second phase involves tract identification.

The first phase of planning results in an identification of areas to exclude from surface mining and "areas acceptable for further consideration for leasing." A decision to lease or commit coal for development is not made. However, decisions are made to exclude areas of federal coal from leasing. These types of decisions are found in the Golden Valley MFP. The purpose of these decisions is to remove the obvious areas of concern from further consideration and to allow other areas to be considered in more depth. Additional areas may be excluded in later steps of the total process.

A screening process is used to decide which areas are to be excluded. There are four screens:

1. Areas are eliminated from further consideration if they do not contain coal having high to moderate development potential. This determination is based on a ratio of thickness of coal to depth of overburden.
2. Areas are eliminated if they are judged unsuitable under the Department of Interior's unsuitability criteria (found in Appendix A of the Golden Valley MFP Summary, September 1979).
3. Additional coal areas could be eliminated through multiple-use trade offs. This screen would apply where resource values

(other than those found in the unsuitability criteria) are determined to be higher than the value of the underlying coal and where adverse impacts on these resources cannot be mitigated.

4. In split-estate situations where the federal government owns the coal, additional areas would be eliminated if sufficient numbers of land owners over federal coal are opposed to strip mining and have not already consented to mining.

Again, the decision arrived at in this process is not one to lease coal. That decision is made during the second phase of planning, known as "activity planning" or "tract identification." The first major step in activity planning is the delineation of proposed tracts for leasing. An impact assessment on the development of the specific coal tract or tracts is then made. The impact assessments are used in deciding whether or not to lease coal, when and where to lease, and how much to lease. They are also used to develop lease stipulations for special impact mitigation requirements.

Detailed assessments are not done until activity planning time, because they are impractical to do without site-specific proposals. Until it is known which tracts are proposed for leasing and what the intended use of the coal is, there is no way to determine impacts on specific lands, resources, communities, roads, etc. These impacts could only be predicted if it were assumed that an entire deposit would be immediately mined (which is not realistic). Doing a detailed resource inventory required for an in-depth analysis of that large an area would be extremely expensive and a waste of tax payers' money, as it is unlikely that the entire area would be immediately mined.

After federal coal tracts have been identified for leasing and a schedule has been developed, the BLM would initiate a competitive process to lease the coal. In the case of Golden Valley County, no site-specific proposals have been made, and no tracts have been identified for leasing.

COMMENTS AND RESPONSES

Response to (Written) Comments from Richard Hardy, Golden Valley Resource Council Chairman

1. Comment: The Golden Valley Management Framework Plan was not done under the multiple-use concept.

Response: For the purpose of BLM planning, "multiple use" does not mean every use on every acre. It is multiple use of all BLM lands and resources in total. This concept means that there may be specific areas where only a single use can occur, and specific areas where varying combinations of two or more uses can be allowed.

The overall goal of multiple use is to get as many uses as possible out of every acre of land. However, because of the nature of many resources and the public need for them, many uses are not always achievable.

The law requires that the BLM administer its resources under the multiple-use concept. However, where there is a split-estate situation, as in Golden Valley County, the only resource that the BLM is authorized to administer is the federally reserved coal, or oil and gas. Multiple-use management of these resources alone is not possible. Nevertheless, when planning is done under this situation, the probable impacts on private resources caused by development of BLM resources is addressed. This is mostly done during activity planning.

By contrast, in planning for the surface acres in Golden Valley County the full multiple-use concept could be (and was) used. In doing so, it was determined that these lands could support a number of uses.

2. Comment: The MFP was prepared with a lot of data missing:

- a. Information on ground water flow;
- b. Information on air quality;
- c. Social and economic impacts on agriculture and economy;
- d. Information on food producing resources.

Response:

- a. As the management agency for all of the mineral reserves owned by the United States, the Bureau of Land Management is bound by many local, state, and federal mandates that may restrict activities which cause degradation of water quantity or quality. Specifically concerning the water resource in a surface mining situation in North Dakota, we deal with the following mandates:
 - 1. The Federal Land Policy and Management Act, which outlines our authorities and procedures for planning and assessing impacts associated with any action we undertake;
 - 2. The Surface Mining Control and Reclamation Act (SMCRA) and executive orders which require special protection of various landforms such as wetlands and alluvial valley floors, the existence of which depend on the present hydrologic setting (the SMCRA also calls for minimizing the impacts of surface mining on the whole hydrologic balance);

3. The Federal Water Pollution Control Act, Safe Drinking Water Act, and state water quality standards which provide a basis for protecting all important waters of the State.

In addition to these statutes, the water resource is considered in a general way as an element of the environment which is essential to human existence.

In investigating the impacts of coal development on the groundwater resource, there are several things to take into consideration. We first determine whether or not water occurs within the mine disturbance zone (the minable lignite and any overburden above it). We describe how much water occurs here, how often it does, its quality, and recharge and discharge areas. Then any groundwater zones below the mine disturbance zone are similarly described. When the entire groundwater system is understood, the interactions between separated groundwater zones and between groundwater and surface waters are analyzed.

Next, we consider any uses of water in the area. We determine what the use is for and where the water source is that supplies the user. An attempt is made to find out what future water uses are planned for the area. We can then determine which parts of the hydrologic system are important sources of water for present and future users.

Research information is gathered continuously so that changes in water quantity or quality due to surface mining can be detected. Tools are being developed to enable us to make precise and accurate predictions concerning impacts. With this research information, geochemical data from the overburden, and an understanding of the present groundwater system, it is possible to determine the portions of the system which would be impacted and the magnitude of that impact.

By considering the state water quality standards and any special standards that are important because of a particular water use involved, we can describe the impact to water uses of the area and to plants, wildlife, and people in general.

The planning process that the BLM uses to assemble and analyze data has a telescoping characteristic in that we first look at the general, big picture in the MFP and then refine and add to the available information, until we look at the very detailed site-specific mining plan. The entire process requires a good deal of data gathering and involves not only the Bureau of Land Management, but also the U.S. Geological Survey, the Office of Surface Mining, the North Dakota Public Service Commission, the North Dakota State Water Commission, and the mining company itself.

In the first step of the planning process, we do a management framework plan. This planning is done on a scale of one-half inch to the mile. Information sources for groundwater include county-wide groundwater studies conducted by the USGS in cooperation with the state, water use permit listings obtained from the State Water Commission, and general state-wide groundwater resource publications. There is usually no intensive data gathering attempted for any of these sources. Only preliminary identifications of unsuitability criteria can be made at this point. The information describes the groundwater situation in a general way; but since no intensive study is made, it is not a complete scientific description. In some cases we may be able to designate areas unacceptable for leasing, but usually information is not complete enough.

The next step is activity planning. At this stage an environmental assessment is made on a more site-specific basis. This is the last step before leasing and the last step in which the BLM is the lead agency. At this time we need a site-specific study of the area. This would include an observation well network and an overburden sampling network. This is also the step where we use our impact monitoring and impact prediction research. At this time we designate areas acceptable or unacceptable for leasing, even though the exact boundaries may change slightly at the mine permit stage. In areas unacceptable for mining, we do not lease. In areas acceptable for mining, we use lease stipulations to require the mine operator to accomplish objectives we feel are necessary for rehabilitation of the area, but are not required by law (for example reclaiming wetlands or woody draws).

The final step is the very detailed mining plan. This step is handled by the ND Public Service Commission and by the Office of Surface Mining, with BLM review where federal coal is involved. At this time the mine operator takes over the information gathering responsibilities. Final designation on unsuitability criteria is then made. An intensive groundwater observation well network must be installed and monitored throughout the mining process, until the well is destroyed by mining. After reclamation, another network must be installed to monitor the groundwater during the post-mining phase. Overburden sampling and analysis is intensified prior to mining to detect any possible groundwater contaminants. It is at this time that the exact layout of the pits and the mining sequence must be shown by the company and approved by the regulatory agencies. If mining results in any degradation to the quantity or quality of a water supply, the source of the water must be replaced by the mining company. The availability of an alternate water source is one consideration that may determine whether or not an area is suitable for leasing in the previous planning step.

This is a general presentation of the information we need at various levels of planning. If data intended for the activity planning or mining plan steps is available at a previous step, it will be used there also.

- b. In the identification of areas acceptable for further consideration for leasing, air quality is not one of the screens that is applied. Traditionally, air quality is a concern when conversion facilities are addressed; but in management framework planning, conversion facilities are not considered. Air quality would be studied in detail later, in activity planning, when site-specific analyses are developed for areas proposed for leasing associated with a proposed coal conversion facility.
 - c. Impacts on agricultural lifestyles and economics are not considered in the original screening process. Socioeconomic impacts will be looked at in detail in the activity planning process which follows.
 - d. Food producing resources were looked at in the development of the Golden Valley Management Framework Plan. It was noted that the lands in Golden Valley County being considered for leasing rated high in food production; however, it was determined in the management framework plan that most of these agricultural lands could be returned to nearly full productivity following mining. This determination was based on site capability. The factors that make an area a productive agricultural site are the same ones that provide for good reclamation. Agricultural production will be looked at again when site-specific proposals are made.
3. Comment: The Centaur social-economic study was inadequate in many respects.

Response: The Centaur study was not an analytical document. Rather, it was a document of base information on social and economic conditions. The information gathered in the Centaur study was not used in the identification of the "areas acceptable for further consideration." Social and economic information of the type found in the Centaur study is not used in the screening process for the identification of these areas. Probable impacts on the social and economic conditions of an area can only be analyzed when there is a site-specific proposal. As areas are proposed in activity planning, social and economic factors will be fully addressed. In doing this, the Centaur study will be reviewed for adequacy and, where found to be inadequate, will be supplemented with further information. Other socioeconomic studies made for other coal areas in North Dakota will also be reviewed and updated, so that there will be a full socioeconomic base to use in making impact assessments.

4. Comment: The Golden Valley Resource Council did not like the way that non-responses to surface owner consultation were used.

Response: The purpose of surface owner consultation is to find out if land owners over federal coal are opposed to leasing the federal coal under their private lands. Every land owner in the area identified as having federal coal with moderate or high potential for development underlying their surface land was contacted through a letter. This letter thoroughly described the surface owner consultation process and its purpose. Attached to the letter was a questionnaire for the land owner to fill out, to indicate his preference for or against leasing.

We believe that contact with every one of the land owners through this letter was a good search for those opposed to leasing. We also feel that if people did not understand the purpose of the letter, they had the time and the opportunity to question us. Many did. A number of people did not respond (some told us they wouldn't, since they had already made surface lease agreements). The non-responses were not counted as in favor or opposed.

5. Comment: Golden Valley Resource Council objects to the conclusion drawn from the soil surveys in the use of soil classification systems to determine prime farm land.

Response: The Surface Mining Control and Reclamation Act directs the Bureau of Land Management to use, for the purpose of the act, the definition of prime farm lands given by the Soil Conservation Service (SCS), U.S. Department of Agriculture. The definition of prime farm land has been established by that agency. The final rule for prime and unique farm lands appeared in the Federal Register, Volume 43, Number 21, Tuesday, January 21, 1978, Part 657. The detailed soil survey conducted and published by the SCS during 1978 and 1979 for the west-central portion of Golden Valley County identified prime farmlands found there. The BLM accepts the definition and identification of prime farm lands set forth by the SCS, as mandated by the Surface Mining Control and Reclamation Act of 1978.

6. Comment: The statement "With favorable moisture conditions, areas mined can be reclaimed in two to three years after reclamation work starts" is a damaging assumption, since current reclamation efforts have only resulted in restoring 77 percent of former productivity.

Response: No reclamation has been completed under current laws. Past reclamation was done prior to the stringent reclamation laws now being enforced by the N.D. Public Service Commission and the U.S. Office of Surface Mining and Reclamation, and prior to completion of much reclamation research. These stringent reclamation laws and results of past and ongoing reclamation research assure us that restoration of agricultural lands to required productivity can be achieved.

Two to three years would be a minimum time to achieve required productivity. Varying site and climatic factors could very likely extend this time frame.

7. Comment: A strong recommendation that all analyses be made to determine the rate of development that will best fit the area does not appease our fears that coal development will destroy our rural life style and our agriculturally based economy.

Response: Only after an analysis of a specific proposal has been made will it be known what the impacts of coal development will be on the rural lifestyle and the agriculturally based economy of the area. This analysis will be done during activity planning. Decision makers will consider these impacts on the community when making their decisions. The analysis will not take away the potential for coal development impacts on rural lifestyle and the agriculturally based economy, but it will give decision makers the knowledge about those impacts, so that they can weigh them along with other considerations. A slower rate of development is a mitigating measure that could lessen the severity of impact, if development is allowed.

8. Comment: The BLM has developed a coal management plan rather than a multiple-use plan.

Response: The Golden Valley MFP is a multiple-use plan, in that it has considered all the BLM resources and uses of those resources in the county. A portion of the multiple-use plan deals with the single resource coal, which is found under private surface. Where only a single resource (coal) is found, that portion of the plan does, in a sense, become a coal management plan. The BLM neither has the right nor the authority to make land use recommendations (multiple-use) on surface resources outside of its jurisdiction. It does, however, have the responsibility in these situations to assess what impacts coal development would have on those private resources.

The planning phase is a two-step system. The first is a screening process, removing areas of obvious concern and value from potential coal development and leaving areas acceptable for further consideration. The second step of the process will be to delineate proposed coal leasing tracts, make impact assessments of coal development on those tracts, and select tracts for leasing. This latter task is yet to be done in Golden Valley County. It is anticipated to begin in spring or summer of 1980.

Response to (Written) Statement from Tenneco Coal Company

Tenneco Coal Company did not make specific comments about adverse impacts from the decisions in the plan, but their comments expressed concern about the plan and will be addressed.

1. Comment: Tenneco urges continued cooperation between the Dickinson and Miles City District offices to the greatest extent practicable.

Response: The districts will continue to cooperate. Cooperative effort will be even more important as activity planning and the Ft. Union Regional Coal Environmental Statement are developed.

2. Comment: Tracts of federal coal for which the surface owner has signed a surface agreement but has indicated during the consultation process that he or she is opposed to having the coal leased should be carried forward in the leasing program.

Response: These tracts will be carried forward. BLM regulations 43CFR 3420.2-3(e)(2) provide that any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining.

3. Comment: Tenneco supports the decisions in the Golden Valley and Redwater land use plans not to preempt the right of negotiation with landowners within buffer zones identified in the unsuitability criteria.

Response: The Dickinson District will wherever possible leave mining in buffer zone areas open for negotiation. It must be realized, however, that there can be instances where the buffer zones will be unsuitable with no exceptions allowed. Some of these were identified in the Golden Valley Plan.

4. Comment: Tenneco supports the decisions not to classify all alluvial valley floors as unsuitable at this time. It is appropriate that detailed analyses and the determination of the boundaries of the alluvial valley floors, buffer zones and influence areas will be made at activity planning time, if specific sites are proposed for leasing. As was obviously recognized in the two management framework plans, it is imperative that firm boundaries be designated for alluvial valley floors prior to leasing.

Response: The Dickinson District will continue this approach with alluvial valley floors.

Response to (Written) Statement from Keith Farstveet, County Commissioner,
Golden Valley County

Mr. Farstveet's comments were not addressed at specific adverse impacts, but since he related concern about the Golden Valley plan, his comments will be addressed.

Comment: See letter from Mr. Farstveet.

Note: In a conversation with Mr. Farstveet he said his comment was aimed at the law which directed that lands had to be reclaimed to at least 90 percent productivity of surrounding lands. Mr. Farstveet's concern was that surrounding lands might very likely not be nearly as productive as the lands being mined. Therefore, required levels of productivity after reclamation could be considerably less than what existed prior to mining.

Response: Since it is the intent of the law and the administrative agencies (Bureau of Land Management and Office of Surface Mining) to restore agricultural lands to as high a level of productivity as possible, Mr. Farstveet's comments will definitely be considered. The law does require that the productivity of the reclaimed mined land equal or exceed the productivity of the reference area. The law also requires that the reference area be representative of the mined area in terms of soil mapping unit and level of management. In addition, the same species and variety must be used in comparing production.

Response to (Oral) Comments from Mr. Richard Knapp, Representing Golden
Valley Resource Council

1. Comment: A survey in Golden Valley County resulted in seventeen people opposed, five people in favor and two undecided. That speaks somewhat of a majority.

Response: The BLM, Dickinson District, conducted a surface owner consultation survey, and the results are published in the Golden Valley MFP Summary. The BLM must rely on this survey. Additionally, attempts were made by BLM to contact all (62) landowners over federal coal and not just a few. We were successful in contacting most of them.

Mr. Knapp's remarks seem to indicate that he feels a majority of people is synonymous with "significant numbers" of landowners. That is not the case. Many factors must be considered in determining significant numbers, some of which are:

1. Actual number of adverse comments;
2. Acreage included under adverse comments;

3. Percentage of federal coal in the total area;
4. Distribution pattern of federal coal;
5. Distribution pattern of adverse comments;
6. Location and number of existing federal leases;
7. Location and number of preference right leases;
8. Number and location of private and state coal leases;
9. Number and location of surface lease agreements on lands over federal coal.

In the Golden Valley coal deposit, based on the above criteria, it was determined that there were not significant numbers of landowners opposed to leasing federal coal.

2. Comment: How did BLM reach the conclusion that nonresponding people were in favor of coal leasing.

Response: The BLM did not consider nonresponding people as being in favor of leasing. Non-responding people were considered as not being opposed to leasing, since they did not say they were. The response being looked for was one indicating opposition to leasing. We have no way to know if non-responders were in favor or opposed; therefore, they weren't considered as either.

3. Comment: Under what criteria does the BLM speak for the affected non-BLM mineral ownership people in Golden Valley County.

Response: The BLM does not speak for these people. The coal under their land does not fall under BLM jurisdiction.


In doing activity planning when federal coal tracts are proposed for leasing, the BLM will assess the impacts of that leasing and potential development on people, lands and resources in the area. The findings of these assessments will be considered in making final leasing decisions.

CONCLUSIONS

After careful analysis of the testimony and written comments, I have determined that no changes are necessary in the Golden Valley MFP. The comments have been expressed forcefully and intelligently, but they do not point out any errors or omissions in the Golden Valley plan.

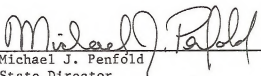
All comments concerning the MFP have been made permanent parts of the public participation file and will help guide the BLM's further, in-depth studies of Golden Valley County.

My initial approval of the Golden Valley MFP on September 4, 1979 remains valid.



Charles E. Steele
District Manager
Dickinson District

I have reviewed the foregoing public testimony and written comments and the District Manager's analysis of them. I concur with the District Manager's responses to them and endorse his approval of the Golden Valley MFP.



Michael J. Penfold
State Director
Montana

FEDERAL COAL MANAGEMENT PROGRAM

In May 1977, President Carter directed Interior Secretary Cecil D. Andrus to establish a new Federal coal leasing program that would assure the leasing and production of sufficient Federal coal to meet American energy needs while protecting wildlife, recreation areas, local communities, and agricultural resources.

By law, Federal coal is made available for production through a competitive bidding system, which awards tracts of coal to the mining company submitting the highest bid. Competitive lease sales of Federal coal were halted in 1971, because the then-existing leasing program had led to the sale of substantial amounts of Federal coal, but had not resulted in increased production of coal.

A 1975 effort to renew competitive coal leasing failed because of political and legal opposition. Critics, including the State governments of those western States where most Federal coal is found, charged that the program known as EMARS (Energy Minerals Activity Recommendation System), did not adequately consider how to select coal leasing areas that would minimize damage to farms, ranches, and the lands and waters that are most important to both wildlife and agriculture in the West.

In 1976, Congress passed a new law, the Federal Coal Leasing Amendments Act of 1976, establishing specific rules to guide the development of Federal coal. In that same year, Congress enacted the Federal Lands Policy and Management Act, specifying how the Bureau of Land Management and the Department of the Interior are to assure that all Federal resource development decisions, including coal leasing, are made in cooperation with State and local governments as part of a balanced, careful planning process.

When, in September 1977, a Federal Court, acting on a lawsuit filed against the 1975 program, ordered that the program be halted until the possible environmental impacts were described accurately as required by law, Secretary Andrus had already taken the first steps to carry out President Carter's order to develop a new and better system for leasing Federal coal. In April, 1979, the Bureau of Land Management published a new, comprehensive environmental impact statement, analyzing the new preferred program for management of Federal coal, as well as analyzing alternatives to the new program.

Secretary Andrus, after studying the environmental analysis, made final decisions about the design of the new program and put it in operation on June 4, 1979. The new program incorporates the requirements of the laws enacted in 1976 (as well as 1977 amendments to the Federal Coal Leasing Amendments Act which, with assistance and support from the Secretary and the President, make the 1976 coal leasing law more workable for the mining industry) and the coal production policies of President Carter. The new program is free of the legal restraints which crippled the 1975 program, and the new program is supported by those States which had objected to the earlier EMARS system. For the first time in nearly a decade, Federal coal will be systematically available for competitive leasing to meet America's coal needs.

I. INTRODUCTION

The DOI program combines all major Federal coal management responsibilities of the Secretary into one unified program in order to:

1. Give the Nation a greater assurance of being able to meet its national energy objectives.
2. Provide a means to promote a more desirable pattern of coal development with ample environmental protection.
3. Assure that State governments and local communities participate in decisions about where and when Federal coal production will take place.
4. Increase competition in the Western coal industry.

The following summary should provide the reader with a basic understanding of the Federal coal management program.

II. LAND USE PLANNING

During land use planning, the best Federal coal lands available for leasing will be identified by passing all land through four screens.

1. Areas will be eliminated from any further coal development consideration if they do not have high to medium coal potential as identified by the Geological Survey, industry or other parties.
2. Additional coal areas will be eliminated if they are assessed unsuitable for mining under the DOI's unsuitability criteria.
3. Additional coal areas will be eliminated if at that location other Federal resource values are determined to be superior to coal.
4. Additional coal areas where the Federal government owns the coal, the coal will be surface mined, and the surface is owned by qualified ranchers or farmers, may be eliminated after consultation with those surface owners.

These screens are expected to eliminate only a fraction of the Federal coal lands, leaving billions of tons of high quality coal available to choose from in order to meet production needs.

A brief discussion of each screen follows.

1. High to Moderate Coal Potential—Only a portion of the coal resources within a land use planning area will be high enough in quality or found in sufficient quantity to be potentially economic to mine or to become so over the life of the land use plan. The first screen to be applied will identify high and moderate development potential coal. The major source of information for this screening will be Coal Resource Occurrence/Coal Development Potential (CRO/CDP) maps prepared by the Geological Survey. Input supplied by industry and other interested parties must be considered. Coal leasing will be restricted to Known Recoverable Coal Resource Areas (KRCRA's).

2. Unsuitability Criteria—The 20 criteria e.g. bald and golden eagle nest sites, are to be applied to medium and high potential coal lands in the land use planning process to identify those areas with key features, principally environmental, that make them unsuitable for all or certain methods of coal mining. A principal purpose of the unsuitability criteria is to ensure that the responsibility of determining Federal lands unsuitable for coal mining is fulfilled in as consistent, uniform, and objective a manner as possible so that all parties can have confidence in the unsuitability decisions.

The unsuitability criteria will be fully applied during land use planning. The responsible official will not have the discretion to refrain from applying any criterion, but will have authority to find that exceptions can apply in some cases where coal production could proceed without damaging the resources protected by the unsuitability standards.

The DOI will apply unsuitability criteria both as a part of a comprehensive Federal lands review and as part of a petition process. The Bureau of Land Management (BLM) has the responsibility to administer the Federal lands review through its land use planning system or otherwise, while the Office of Surface Mining (OSM) has the responsibility to administer the statutory petition process.

Prior to designating Federal land unsuitable or adopting a land use plan that assesses land as unsuitable the OSM and BLM must prepare a detailed statement on (i) potential coal resources of the areas, (ii) demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

3. Multiple Use Resource Management Decision—Although many major conflicts between coal and other resources will be addressed during the application of the unsuitability criteria, significant resource-balancing decisions will remain. These other resource trade-offs will be considered and acted upon after application of the unsuitability criteria. The adjustments at this stage in the land use planning process will accommodate unique site-specific resource values clearly superior to coal but which are not included in the criteria, and will also determine which other resources (e.g. wildlife habitat) should be temporarily or permanently reduced in order to lease and develop coal.

4. Surface Owner Consultation—In the fourth screen the local land manager determines each general area in which a significant number of qualified surface owners (as defined in Section 714 of the Surface Mining Control and Reclamation Act of 1977 SMCRA) have expressed a preference against leasing. Where a significant number of qualified surface owners express a preference against mining of the coal by other than underground techniques, the Secretary will not lease that area unless there are no alternatives to meet the leasing targets. After completion of the land use plan, and if qualified surface owner's land is identified as acceptable for further consideration, he may file a written refusal to consent to leasing, which can result in his surface not being considered further for leasing during the life of the land use plan unless there is a change in surface ownership.

III. OTHER CONSIDERATIONS

The following two processes are not screens per se but serve to provide a conceptual framework for action.

1. Threshold Development Levels—The land use plan can establish coal development levels or rates within the areas identified for further consideration for coal leasing. As an example, a threshold for mining employment might be established for socio-economic reasons or for wildlife populations for resource conservation reasons. The Federal land manager will not lease more coal if the additional development can be expected to push total mine employment in the planning area over, or the total population of a particular species under the threshold level. Thresholds will be used to control impacts which depend on an overall development level rather than on site-specific effects.

2. Preferred Coal Leasing—Within the areas identified as acceptable for further consideration for coal leasing, the land use plan may identify preferred coal leasing areas. This will be done only when available coal demand data suggest that the areas acceptable for further consideration for coal leasing clearly will yield more coal than will be needed for leasing before the land use plan will be reviewed. Preferred areas will be identified by employing available socio-economic, environmental and economic data. These preferred area identifications will be advisory to the regional coal teams and not a plan commitment.

IV. ACTIVITY PLANNING

The purpose of activity planning is to delineate and select a sufficient number of tracts for sale, from the areas designated in the land use plan as acceptable for further consideration for leasing, to meet a regional leasing target. Two consecutive processes make up this stage of planning. The first stage involves tract delineation and industry expressions of interest. It will take place in each land use planning area. The second involves tract ranking, selection and scheduling and will be conducted over the entire coal region encompassing many land use plan areas.

Federal/State regional coal teams will be established for each of the major multi-State coal regions. The team will consist of a BIM representative and a State government representative from each State within the region and a member appointed by the BIM Director who will chair the team. The team will (i) review all tract delineation and site specific analysis work, (ii) be responsible for tract ranking, selection and scheduling processes and (iii) serve as the forum for Federal/State coal management discussions. The ultimate authority for the selection and scheduling of tracts for lease sale, however, will reside in the Secretary.

1. Tract* Delineation and Industry Expressions of Interest—In delineating preliminary tracts, the following factors will be among those considered: a) expressions of interest, b) technical coal data, c) conservation considerations, d) surface ownership and e) prior regional leasing targets and guidance from the regional coal teams.

Although preliminary tract delineation will be done by the land management agencies, industry will be invited to submit expressions of interest and those expressions will be a critical element in the decisions on the delineation and subsequent ranking of tracts.

2. Regional Tract Ranking, Selecting and Scheduling—The nation has been divided into coal production regions for the purpose of developing regional production targets. The DOI will rank all delineated tracts within a production region, as the need arises, in close cooperation with all involved surface management agencies and the affected State and local governments.

Concurrently, regional environmental statements will be prepared which analyze both the site-specific and intraregional cumulative impacts of the proposed leasing action. The statements will include analyses of mine plans, coal lease exchanges, regional leasing targets, proposed selection of tracts to be leased as well as other Federal coal management options. The statements will cover lease sales for a four year schedule. However, the document may be updated in two years when conditions change sufficiently to require new analysis of the impacts. Tract ranking and selection decisions will be reconsidered every two years in accordance with the updating of the national and regional production goals and leasing targets.

The development of the regional sale schedule and environmental impact statement for the regional sale will be closely integrated. This will be done by integrating the decision and analyses document used for sale schedule development with the environmental statement. This new approach should save both time and money.

*A tract is a defined area of land which will logically be proposed as a single lease offering. At the preliminary tract stage, the exact boundaries of tracts would still be subject to adjustment based on subsequent analysis.

V. SETTING REGIONAL GOALS AND LEASING TARGETS

Because circumstances determining the nation's need for coal may change, coal forecasts are not often precise enough to permit the competitive leasing component of a coal management program to function continuously on the basis of a single assessment of leasing needs. Therefore, a periodic reassessment of coal needs has been incorporated as an integral part of the program. The reassessment will be conducted in a process which merges DOE regional production goals with advice from State and local governments, the coal industry and other interests to determine leasing targets. The regional targets will then be used at the point of regional tract selection by the regional coal teams to ensure that enough tracts are made available to meet target production levels.

VI. PRE SALE AND SALE PROCEDURES

From the time a tract is scheduled for sale at the conclusion of the activity planning stage until a lease can be issued, a series of actions will be required to meet various statutory and administrative requirements.

1. Split Estate Leasing* and Surface Owner Consent—Section 714 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides that "the Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations . . ."

Tracts will be delineated and ranked regardless of the ownership of the surface. For tracts where surface is owned by qualified surface owners, a preference will be given to those tracts where BLM has received evidence of consent by the time of ranking over tracts which still require consent.

Industry has the responsibility of acquiring surface owner consent. Consents will be filed with the BLM prior to sale announcement. The consents will be required to be transferable to maintain competition. If no filing of consent is made on a tract prior to the sale announcement, the tract will be removed from sales.

*Split estate refers to the case in which the surface is owned privately and the coal is owned by the Federal government. Under the original homestead laws, ranchers and farmers were granted both the surface and mineral rights to the land but later laws provided for the Federal government to retain the mineral estate.

Any qualified surface owner may file a written refusal to consent at the local BIM office any time after completion of the encompassing comprehensive land use plan, thereby disqualifying the surface owner's land from further leasing consideration. The refusal will be binding during the life of the land use plan or until the ownership of the surface estate changes.

2. Consultation with Governors, Attorney General, and Indian Tribes
—Prior to setting a regional coal lease sale schedule, the Secretary will consult with the Governor of each State in which tracts to be leased are located, the U.S. Attorney General, and any Indian Tribes that would be affected by any of the lease proposals being considered. The Secretary will ask each of the parties to comment in a specified period of time, before issuing the final schedule of sale. Section 3 of the Federal Coal Leasing Amendments Act of 1976 provides a specific procedure of consultation with States when a lease proposal will permit surface mining within the boundaries of national forest within that state.

3. Fair Market Value—No bid shall be accepted which is less than Fair Market Value (FMV), as determined by the Secretary, of the coal subject to lease. The methods for determining FMV are still under consideration.

4. Maximum Economic Recovery—The Federal coal management regulations require maximum economic recovery (MER) of Federal coal on all new Federal coal leases. MER will be calculated for leases on the basis of marginal cost equaling marginal revenue—just as it is by the firm. The MER will be published in the lease sale notice to assist coal producers in preparing their bids. Final MER will be determined by the mining supervisor after lease exploration.

VII. STATE AND LOCAL GOVERNMENT, PUBLIC, AND INDUSTRY PARTICIPATION

The participation of State and local governments will be actively sought during the tract ranking and selection process, particularly to ensure consideration of social and economic impacts and problems associated with potential coal development. State participation will be largely through the regional coal teams composed of BIM personnel and State governor's representatives. The teams will oversee the tract ranking process, and tract selection and scheduling procedures, and make lease sale recommendations to the Secretary.

The public will participate in activity planning through public hearings held on any environmental impact statements prepared and through the petition process to be administered by the Office of Surface Mining (OSM).

Industry is a critically important participant in the coal program not only because it will bid for and produce the coal, but also because industry will provide information needed to help determine where and when Federal coal should be leased in order to assure the earliest and most efficient production of all coal being developed in any region.

VII. SPECIAL LEASING OPPORTUNITIES

From among the tracts selected for lease sale, the Secretary will designate, where appropriate, specific tracts to be offered for sale only to public bodies (Federal and State agencies, municipalities, and rural electric cooperatives and similar organizations, and nonprofit corporations controlled by any of those entities) and to small businesses. The decision to offer either of the two types of special opportunity sales will be made after the Secretary reviews the information provided by public bodies through submissions of expressions of interest in the activity planning process and consultations with the Small Business Administration.

In these set-aside lease sales, no bids for less than fair market value (FMV) will be accepted and no special method of calculating FMV will be used.

IX. LEASING ON APPLICATION

The bulk of the competitive coal leasing to be done by the Department will be done through the activity planning process outlined in section III. However, there are two situations where a limited amount of competitive coal leasing will be done in response to applications.

The first involves applications within the designated western production regions where activity planning will occur. In this case, leasing in response to applications will be limited to emergency situations. Emergency lease applications will be considered only in cases where economic hardship is involved, where Federal coal would be by-passed, and where coal is needed to continue existing production or meet existing contract requirements. Only eight years of reserves will be leased under these provisions. The emergency leasing system will not be permitted to substitute for the procedures required in the full decision-making cycle, and should become less significant with the passage of time. Emergency applications which are not compatible with existing land use plans for the area will be rejected.

The application process will also be used in the areas outside of the western production regions and within the mid-western and eastern production regions where limited Federal land ownership makes activity planning impractical. The areas applied for will be subject to land use planning and environmental analyses. Competitive leases will be held in response to the applications if compatible with such analyses.

X. ADMINISTRATION OF EXISTING LEASES AND PREFERENCE RIGHT LEASE APPLICATIONS

With regard to non-producing existing leases, the DOI has decided to await the fulfillment by the lessee of the legal obligations required to initiate mining (submission of a mining plan) before deciding the desirability of lease development. The new planning requirements and unsuitability criteria will be applied to all non-producing leases.

The DOI intends to vigorously enforce the diligence provisions across the board on existing leases by negotiating the application of the 1976 regulatory requirements through lease modification. Diligent development means (1) for any lease issued after August 4, 1976 the timely preparation for and initiation of coal production from the logical mining unit (LMU) of which the lease is a part so that coal is actually produced in commercial quantities by the end of the tenth year from the from the effective date of lease; or (2) for any lease issued before August 4, 1976, the timely preparation for and initiation of coal production from the logical mining unit (LMU) so that coal is actually produced in commercial quantities before June 1, 1986.

Previously, if an individual found commercial quantities of coal as a result of activity undertaken under a prospecting lease then that individual received a preference right i.e. non-competitive lease application. Under the new program, however, each PRLA will be reprocessed to determine commercial quantities and scrutinized to decide whether it meets the unsuitability criteria. Furthermore, diligence requirements will be applied to approved preference right leases.

XI. SPECIAL START UP CONSIDERATIONS: NEED FOR LEASING: PROGRAM IMPLEMENTATION

It will not be possible to carry out the full procedures of all elements contained in the Federal coal management program until 1984 in most cases and 1986 in others because of budgeting constraints and personnel ceilings. Because the Secretary has determined that lease sales must be held beginning in January 1981, new competitive leasing during the transitional period will not include all planning elements of the new Federal coal management program.

The principle differences between a mature program and start-up procedures are first, the unsuitability criteria will be applied directly to lands which have been found acceptable for coal leasing in already existing land use plans and, second, the regional lease sale environmental impact statements need not initially include a full four-year sales schedule.

The earliest time that coal lease sales are required to meet production needs is early 1981. These sales will meet all statutory requirements and most of the procedures in the new coal program. Regions presently designated for early leasing are the Powder River, Green River-Hams Fork, Uinta-Southwestern Utah, and Alabama coal regions.

XII. REGIONAL LEASING TARGETS

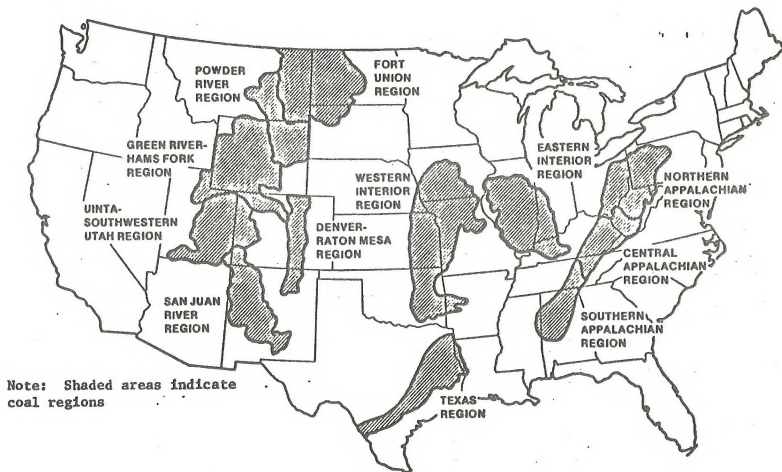
As described in part V., the Federal coal management program uses regional leasing targets derived from coal projections to ensure future coal needs will be met. Based on the projections then available, the Secretary, after his decisions on the coal program, indicated tentative targets he felt would be appropriate in three regions and requested activity start-up in a fourth. The lease sale time frames and leasing targets are indicated for each region below.

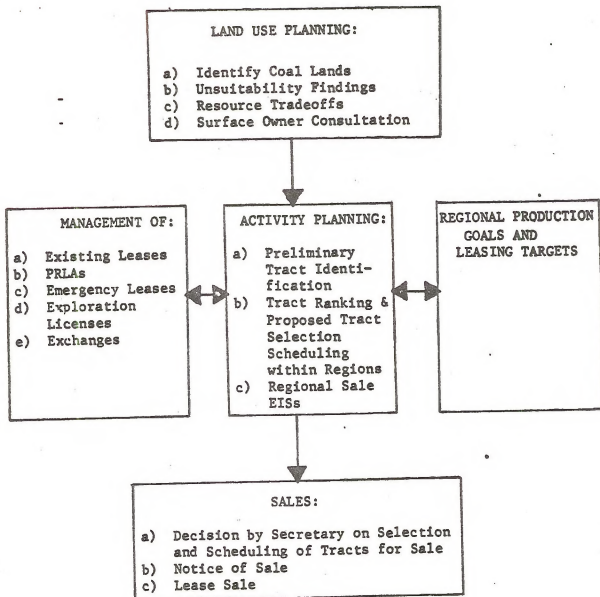
1. Powder River. An early 1982 lease sale date was established with a tentative leasing target being that of the medium DOE production projections, which is 621 million tons, plus an additional 25% to allow greater flexibility and to promote competition. The leasing target is set to achieve 1985 through 1987 production levels, with high mid-1986 excess capacity assumed. The selection of the final leasing target, however, was deferred until the regional lease sale ES is started. Public comment on the tentative leasing target will be requested prior to the final target selection.

2. Green River-Hams Fork. A January 1981 lease sale date was established with a tentative leasing target being that of the medium DOE production projections, which is 531 million tons. The leasing target is set to achieve 1985 through 1987 production levels, with no mid-1986 excess capacity from existing mines and lease holdings presumed. The selection of final leasing target, however, was deferred until the regional lease sale ES is started. Public comment on the tentative leasing target will be requested prior to final target selection.

3. Uinta-Southwestern Utah. A July 1981 lease sale date was established with a tentative leasing target being that of the medium level DOE production projections, which is 190 million tons. The leasing target is set to achieve 1985 through 1990 production levels, with no excess capacity from existing mines and lease holdings presumed. The selection of final leasing targets, however, was deferred until the regional lease sale ES is started. Public comment on the tentative leasing target will be requested prior to final target selection.

4. Alabama. The Secretary opted to prepare an environmental statement for a July 1981 lease sale, but did not select any leasing target.





SUMMARY OF THE PREFERRED PROGRAM

Mr. Charles E. Steele
District Manager, Dickinson District
U.S. Department of the Interior
Bureau of Land Management
Dickinson, ND 58601

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November 30, 1979

Dear Mr. Steele,

I am writing on behalf of the Golden Valley Resource Council to express our dissatisfaction with the Golden Valley Management Framework Plan. The following is an outline of the MFP's inadequacies, and our recommendations regarding the changes that are necessary in order for the BLM to produce a true multiple use document.

The planning process used in the Golden Valley MFP is flawed by its failure to incorporate the principles of multiple use and sustained yield as mandated by the Federal Lands Policy and Management Act of 1976. In the introduction of the Decision Document, the MFP is referred to "as making multiple use decisions." However this certainly cannot refer to the same concept of "multiple use" as defined in the Federal Lands Policy and Management Act. In stating the objective for the Coal Area in step 1 of the Draft MFP, the BLM says their intention is to "Keep federal coal resources available to meet present and future market demand. Assure that mineral exploration, development, and extraction are carried out in such a way as to minimize environmental damage. Receive fair market value for minerals subject to lease. Provide for orderly and timely development of the resource." FLPMA's notion of multiple use would prohibit the BLM from considering only one resource in the planning process. The BLM's planning process was too limited in scope. Starting with the assumption that coal was the highest resource value in the area, the BLM investigated, to a minimal extent, the effect coal mining would have on other resources in the area. The Golden Valley MFP's planning process is one befitting a coal management plan and not a multiple use plan.

The MFP is also flawed by the omission of data that is crucial in determining the effects coal development would have on Golden Valley County. The data which is still incomplete at this point includes:

1. Incomplete data regarding the extent to which ground water flow would be disrupted by mining. By the BLM's own admission, "It will take much more research to determine the extent of ground water disruption mining will create."
2. There is no discussion in the MFP on the effect planned emitting sources would have on air quality.
3. Incomplete information on the social and economic impact of coal mining on agricultural lifestyles and the agriculturally based economy of the area. The BLM has readily acknowledged that they have not fully inventoried the social and economic impacts of coal development in Golden Valley County.

4. There has not been a thorough inventory of the food producing resources in Golden Valley County.

In addition to the incompleteness of the data, GVRG has serious reservations about the quality, and the interpretation of the data that was collected. With respect to the quality of data, the social and economic impacts as discussed in the Centaur Study is lacking in quality data. It relies heavily on secondary data sources, pasting together statistics from various state or federal census figures. The primary data collected by Centaur is sketchy and biased. They interviewed a total of 14 people in Golden Valley County, none of which were living on farms or ranches. From this small and unrepresentative sample, they made judgements regarding community attitudes towards coal development.

In examining the economic impacts of mining, the Centaur Study fails to apply the principle of sustained yield. Instead they refer to tables which list annual production, and income, by sector of the economy. This cannot be considered an accurate assessment of the economic situation for the following reasons:

1. Coal is a non-renewable resource, while agriculture is a renewable resource. Coal development will produce large, short-lived economic returns. Although economic returns from agriculture may not be as high per year as those from coal development, agricultural resources will not be exhausted. The time frame which one chooses to examine the respective economies will determine which one will provide the greatest economic returns.
2. Annual production figures for coal production do not take into account the hidden costs of coal development, such as loss of water resources, and the degradation of our renewable resources.

Regarding the interpretation of data, GVRG objects to the BLM's interpretation of nonresponse to their surface owner consultation letter as being in favor of coal leasing. The BLM has responded to our objection by saying they chose this interpretation because they were looking for those who were opposed to mining, and if a landowner was strongly opposed to leasing, he would have responded to the letter. We find this response to our objection to be totally unacceptable. Even if the purpose was to find those opposed to leasing, this does not preclude a thorough search for those who are opposed to leasing. Although the BLM interprets nonresponse as apathy, an equally plausible interpretation is that people simply did not understand the purpose of the letter and therefore did not respond. The GVRG conducted its own survey on attitudes towards coal development and found 18 opposed to mining, 5 in favor of mining and had 30 nonresponses. If we pursued BLM's line of thought, stating our purpose as to find those in favor of coal development, and believed that those strongly in favor of leasing would have responded to our survey, we would conclude that only five people in Golden Valley are in favor of mining. BLM

would object as vehemently to our interpretation as we do to their interpretation.

GVRC also objects to the conclusions drawn from soil surveys and the use of soil classification systems to determine prime farmland. Our concerns are well stated in the following excerpts from the International Farm Forum;

Rod Erickson said, "A lot of our ground isn't considered prime according to soil tests and classifications, but if managed and farmed right, it competes." "I think you've hit the nail on the head," Tom Drummond agreed. "It's entirely dependent on the operator. You can take a piece of land that is not productive today and, with proper management, you've got productive land. It's virtually impossible to define what prime farmland is without knowing who's operating it and what needs to be done in order to make prime farmland." (Issue #4, 1979)

GVRC recommends that rather than looking at soil classification to determine prime farmlands, that productivity be used as the major criteria. We have some of the most productive farmland in North Dakota. There is much more prime farmland in Golden Valley County than is indicated by the BLM's inventory.

Because of the lack of quality data, the BLM was forced to make assumptions based on speculation, rather than conclusions based on data. One of the most damaging assumptions made by the BLM appears in the Draft MFP which states that, "With favorable moisture conditions, areas mined can be reclaimed in two to three years after reclamation work starts." This estimate is inconsistent with current reclamation efforts. To date, the best coal companies have claimed in terms of reclamation work is 77% of former productivity as reported in the West Central Environmental Impact Study. In addition, some of the mining companies are currently running well behind on their schedules for reclaiming land.

In the MFP, the BLM recommends "...That should it ever be decided to lease federal coal in this area, strong consideration be given to making an analysis to determine the rate of development which will best fit the area." Restricting the amount and rate of development can substantially reduce the socioeconomic impacts, and the loss of agricultural production. However, at this point, the adverse impacts of coal development have not been clearly defined. A "strong recommendation that an analysis be made" does not appease our fears that coal development will destroy our rural lifestyle, and our agriculturally based economy.

We have seen the effects that massive coal development has had on other communities. Increased crime rates, widespread alcoholism, lack of recreation areas, inadequate schools and social services, soaring inflation rates, shortages of services needed by agricultural people, destruction of county roads, and the inability of coal impact funds and the local tax base to meet the costs of the need for increased services; which all come with coal development.

The BLM starting with and obvious bias towards coal development, has done little beyond defining the boundaries of the Known Recoverable Coal Resource Area. Using incomplete, and poor quality data, and relying upon unjustified assumptions to fill the gaps in the data base, the BLM has fulfilled its original objective to "Keep federal coal resources available to meet present and future market demand." However, what the BLM has not done is develop a multiple use plan, but rather a coal management plan.

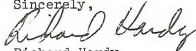
In short, GVRC feels that the Golden Valley MFP is not an adequate multiple use plan because of the following shortcomings:

1. It fails to incorporate the principles of multiple use and sustained yield in the planning process.
2. The quality of data used in the MFP is poor.
3. Data which is essential for multiple use decisions has not been collected.
4. The interpretation of data is biased towards coal development.

GVRC recommends that the Golden Valley MFP should not be approved as a guide for future resource management decisions. We feel that a Resource Management Plan should be completed by the BLM. In making decisions regarding the use of our resources, it is essential to have a sound data base on which to make the decisions. The proposed MFP does not provide such a base. GVRC believes a RMP would insure that resource values are properly inventoried, and that resource trade-offs would be clearly identified. We urge the BLM to conduct a RMP to replace the Golden Valley MFP.

Thank you for this opportunity to comment on the Golden Valley MFP.

Sincerely,



Richard Hardy
GVRC Chairman

Tenneco Coal

A Tenneco Company

P.O. Box 2511
Houston, Texas 77001
(713) 229-2131



November 15, 1979

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U. S. Department of Interior
Bureau of Land Management
Miles City District Office
P. O. Box 940
Miles City, Montana 59301

Attn: Mr. George Neuberg
District Manager

U. S. Department of Interior
Bureau of Land Management
Dickinson District Office
P. O. Box 1229
Dickinson, North Dakota 58601

Attn: Mr. Charles E. Steele
District Manager

Gentlemen:

Tenneco Coal Company hereby submits these comments to the Miles City and Dickinson District Offices of the Bureau of Land Management regarding the Redwater and Golden Valley Management Framework Plans which are to be the subject of a public hearing in Glendive, Montana on November 15, 1979.

After reviewing the summaries of the Redwater and Golden Valley Management Framework Plans in conjunction with the United States Department of Interior, Bureau of Land Management final regulations for the Federal Coal Management Program, 44 Federal Register 42584 (July 19, 1979), Tenneco Coal Company wishes to express its continued support for the obvious progress that has been achieved by your offices toward leasing Federal coal. Tenneco Coal Company appreciates this additional opportunity to comment on these land use plans.

First, in the comments of Tenneco Coal Company dated May 14, 1979, concerning the draft land use plans, Tenneco urged uniformity and coordination between your respective offices in the preparation of the management framework plans for the Beach-Wibaux areas. Tenneco recognizes the fact that two different planning units were established to cover this area by virtue of the fact that the area lies on the border between Montana and North Dakota. However, in terms of the economical and efficient development of the underlying coal resources, the area should be treated as one. Preferably, this would involve the establishment of one district office with sole control over the area. In any event, Tenneco would again urge continued cooperation between your respective offices to the greatest extent practicable.

Tenneco Coal

U. S. Department of Interior
November 15, 1979
Page 2

Furthermore, Tenneco maintains that a surface owner over federal minerals who has signed a surface agreement has already given his consent to mining and is legally bound by that decision. However, the Management Framework Plans list several tracts as tracts where the surface owner is against leasing where, in fact, the surface owner has executed a valid lease. These tracts should be identified prior to the activity planning phase and carried forward in the leasing program.

Third, Tenneco Coal Company is very concerned about the classification of Federal lands as unsuitable for mining within certain buffer zones. The Federal regulations provide that Federal lands within 100 feet of the outside line of the right-of-way of a public road or within 100 feet of a cemetery, or within 300 feet of any public building, school, church, community or institutional building or public park or within 300 feet of an occupied dwelling shall be considered unsuitable. However, the Federal regulations also provide for certain exceptions, namely that a lease may be issued for lands used as mine access roads or haulage roads that join the right-of-way for a public road, or for which the Office of Surface Mining Reclamation and Enforcement has issued a permit to have public roads relocated, or for which owners of occupied buildings have given written permission to mine within 300 feet of their building. Section 3461.1.

The regulations also state that the parties involved in a right-of-way or easement may agree to leasing where such lands would normally be classified as unsuitable. Tenneco Coal Company supports the right to negotiate with the appropriate surface owner or holder of a right-of-way to mine within the federally-classified buffer zones. Furthermore, Tenneco also desires the opportunity to negotiate with the local governing bodies for exceptions to their established buffer zones. Consequently, Tenneco is opposed to the absolute classification of lands within buffer zones as unsuitable in land use plans. Mining companies have traditionally been able to successfully negotiate with residents and local officials regarding compensation and relocation if necessary. Therefore, Tenneco supports the decisions in the Redwater and Golden Valley land use plans not to preempt the right of negotiation.

Finally, Tenneco supports the decisions not to classify all alluvial valley floors as unsuitable at this time. The statements that more detailed analyses and the determination of the boundaries of the alluvial valley floors, buffer zones and influence areas will be made at activity planning time if specific sites are proposed for leasing are appropriate. As was obviously recognized in the two management framework plans, it is imperative that firm boundaries be designated for alluvial valley floors prior to leasing.

Tenneco Coal

U. S. Department of Interior
November 15, 1979
Page 3

Tenneco Coal Company appreciates this opportunity to submit these comments to the Miles City and Dickinson District Offices on the summaries of the Redwater and Golden Valley Management Framework Plans covering the Beach-Wibaux area.

Very truly yours,

TENNECO COAL COMPANY

By: 
Gary I. Cheatham
General Manager

GTC/vs

cc: Mr. Michael J. Penfold
State BLM Director

Dear Sir

1697

CV

I would like to express some concern on productivity of Golden Valley County lands which I believe should be considered. Our lands are the highest yielding acres of spring grains in North Dakota. Most of farms have a proven production figure for their farms which is higher for an individual basis than the co. normal.

On the basis of the S.V.C. 2178 plan I feel the likely "hoof" of land to be mined would probably start on our best land & as mining progressed we would gradually work outward to the poorer land. Based on productivity of remaining lands we would gradually work on declining production.

Some consideration has to be on the basis of each farms production & the soils analysis for the county - I know the A.S.C. & S.C.S. would be a good source of individual farm classification.

Respectfully

(over)

Leslie J. Harkness
Ch. County Comm. S.V. County.

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Keith Farstreet called me to discuss this input. His concern centered around placing mined our lands back to 90% productivity of adjacent lands. He knows that the farms in the area have varying levels of crop producing potential & that reclamation goals should be aimed at achieving the production of the impacted farm rather than a lesser producing adjoining farm.

CES
12/3/79

EXCERPT FROM

OFFICIAL TRANSCRIPT OF HEARING IN GLENVIEW

November 15, 1979

My name is Richard Knapp.

I am going to speak to the Golden Valley MFP, which most of you aren't familiar with, and I could reiterate all the inconsistencies that have been gone through here tonight on the Redwater plan, but in the concern of time I won't.

I would just like to say that the--also that I represent the Golden Valley Resource Council, and we have zero percent surface rights controlled by BLM.

In a survey that we have done recently in Golden Valley County of the people that have BLM mineral under private land, we have seventeen people being opposed to mining or leasing, five people in favor and two undecided. We think that speaks somewhat of a majority.

One thing I would like to bring out is that in the--in the survey that BLM put out a couple months ago the no-response people were considered as favoring coal leasing. We would like to know what criteria the BLM reaches that conclusion and also under what criteria do--does the BLM speak for the affected non-BLM mineral-ownership people, in other words, all the other private land--affected area in Golden Valley County.

Thank you.

(NOTE: The foregoing statement represents all of the oral testimony concerning the Golden Valley MFP that was offered at the hearing.)

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DEPARTMENT OF THE INTERIOR**

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